

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. Claims 1-43 were previously pending in this Application. Within the Office Action, Claims 1-43 have been rejected. By the above amendments, Claims 1, 10, 19, 28 and 36 have been amended. Accordingly, Claims 1-43 are now pending in the application.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1-43 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0010467 to Hori et al. (hereinafter “Hori”). The Applicant respectfully disagrees.

Hori teaches a content data storage system including a memory card having a memory to store encrypted content data, a license hold unit to store license information, a plurality of authentication data, each storing authentication data that are authenticated by a plurality of public authentication keys and a switch to selectively provide the data from the plurality of authentication data hold units outside of the recording apparatus according to a request external to the memory card. [Hori, Abstract] Hori teaches that an authentication server 12 challenges the authenticity of the user’s cellular phone and memory card establishing access for distribution of music data. [Hori, ¶ 0063] Hori further teaches that in response to a distribution request, license server 10 verifies the authenticity of the user’s memory card through authentication server 12, and distributes encrypted content data and license thereof corresponding to the music request to the user’s cellular phone. [Hori, ¶ 0064, Figure 1] Hori does not teach that the authentication data includes a predetermined level of content access. Hori teaches challenging the authenticity of the user’s device to establish access, not to determine a level of access. Hori further does not teach determining the predetermined level of content access.

In contrast to the teachings of Hori, the system for authentication downloading of the presently claimed invention, utilizes a removable memory having a set of authentication data that includes a predetermined level of content access. A handheld electronic device includes an interface to connect to the Internet when the removable memory is inserted into the handheld electronic device and a connection is formed with a server, using the set of authentication data, the server is able to authenticate the removable memory automatically without the user interfacing personally with the server. The server authenticates downloading to the removable memory in the handheld electronic device by reading the set of authentication data on the

removable memory, and downloading the desired content to the removable memory. Removable memory is issued to the user having a pre-assigned set of authentication data tailored to the needs of the user and the authentication level desired by the user. [Present Specification, page 5, lines 6-9] As an example, in this embodiment, free content results in a free removable memory, while content normally sold for a fee results in a fee for the removable memory. [Present Specification, page 5, lines 9-12] By using a subscription identification number, a server is able to identify what content the user is authorized to download from the server. [Present Specification, page 5, lines 13-19] As described above, Hori does not teach that the authentication data includes a predetermined level of content access. As further described above, Hori teaches challenging the authenticity of the user's device to establish access, not to determine a level of access. As also described above, Hori does not teach determining the predetermined level of content access.

In the Response to Arguments section of the Office Action, it is stated that the Applicant's argument regarding "determining a level of access" is not persuasive because this limitation is not in the claim language. The Applicant respectfully disagrees. It was specified within the original claims that the authentication data includes a predetermined level of content access. However, in order to further the prosecution of the present application, the claims have been amended to explicitly specify determining the predetermined level of content access.

It is further stated within the Response to Arguments section of the Office Action, that Hori teaches determining a predetermined level of content access. The Applicant respectfully disagrees. As described above, Hori teaches challenging the authenticity of the user's device to *establish access*, not to *determine a level of access*. Per Hori's teachings, establishing access is *all or nothing*. In contrast to the *all or nothing* teachings of Hori, the system for authentication downloading of the presently claimed invention, utilizes a removable memory having a set of authentication data that includes a *predetermined level of content access*.

The independent Claim 1 is directed to a method of downloading content from a server to an electronic device. The method of Claim 1 comprises storing authentication data on a removable memory, wherein the authentication data includes a predetermined level of content access, accessing the server with the electronic device, authenticating the removable memory by reading the authentication data from the removable memory to determine the predetermined level of content access and downloading the content from the server to the removable memory according to the predetermined level of content access. As described above, Hori teaches challenging the authenticity of the user's device to *establish access*, not to determine a *level of access*. As further described above, Hori does not teach that the authentication data includes a

predetermined level of content access. For at least these reasons, the independent Claim 1 is allowable over the teachings of Hori.

Claims 2-9 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Hori. Accordingly, Claims 2-9 are all also allowable as being dependent on an allowable base claim.

The independent Claim 10 is directed to a system for downloading content from a server to an electronic device. The system of Claim 10 comprises means for storing authentication data on a removable memory, wherein the authentication data includes a predetermined level of content access, means for receiving the removable memory in the electronic device, means for accessing the server with the electronic device, means for authenticating the removable memory by reading the authentication data from the removable memory to determine the predetermined level of content access and means for downloading the content from the server to the removable memory according to the predetermined level of content access. As described above, Hori teaches challenging the authenticity of the user's device to *establish access*, not to determine a *level of access*. As further described above, Hori does not teach that the authentication data includes a *predetermined level of content access*. For at least these reasons, the independent Claim 10 is allowable over the teachings of Hori.

Claims 11-18 are all dependent on the independent Claim 10. As described above, the independent Claim 10 is allowable over the teachings of Hori. Accordingly, Claims 11-18 are all also allowable as being dependent on an allowable base claim.

The independent Claim 19 is directed to a system for downloading content. The system of Claim 19 comprises a removable memory, the removable memory including authentication data, the authentication data including a predetermined level of content access, an electronic device configured to receive the removable memory and a server, wherein when the electronic device accesses the server, the removable memory is authenticated by reading the authentication data from the removable memory and determining the predetermined level of content access, and further wherein once authenticated, content according to the predetermined level of content access is downloaded from the server to the electronic device. As described above, Hori teaches challenging the authenticity of the user's device to *establish access*, not to determine a *level of access*. As further described above, Hori does not teach that the authentication data includes a *predetermined level of content access*. For at least these reasons, the independent Claim 19 is allowable over the teachings of Hori.

Claims 20-27 are all dependent on the independent Claim 19. As described above, the independent Claim 19 is allowable over the teachings of Hori. Accordingly, Claims 20-27 are all also allowable as being dependent on an allowable base claim.

The independent Claim 28 is directed to an electronic device for downloading. The electronic device of Claim 28 comprises a memory slot configured to receive a removable memory, wherein the removable memory includes authentication data, the authentication data including a predetermined level of content access, and a communications interface configured for coupling to a server, wherein when the electronic device accesses the server through the communications interface, the removable memory is authenticated by reading the authentication data from the removable memory to determine the predetermined level of content access, further wherein content according to the predetermined level of content access is downloaded. As described above, Hori teaches challenging the authenticity of the user's device to *establish access*, not to determine a *level of access*. As further described above, Hori does not teach that the authentication data includes a *predetermined level of content access*. For at least these reasons, the independent Claim 28 is allowable over the teachings of Hori.

Claims 29-35 are all dependent on the independent Claim 28. As described above, the independent Claim 28 is allowable over the teachings of Hori. Accordingly, Claims 29-35 are all also allowable as being dependent on an allowable base claim.

The independent Claim 36 is directed to a removable memory for downloading. The removable memory of Claim 36 comprises authentication data, the authentication data including a predetermined level of content access and a communications interface configured for coupling to a server, wherein when an electronic device accesses the server through the communications interface, the removable memory is authenticated by reading the authentication data from the removable memory to determine the predetermined level of content access, further wherein the electronic device includes a memory slot configured to receive the removable memory, and further wherein content according to the predetermined level of content access is downloaded. As described above, Hori teaches challenging the authenticity of the user's device to *establish access*, not to determine a *level of access*. As further described above, Hori does not teach that the authentication data includes a *predetermined level of content access*. For at least these reasons, the independent Claim 36 is allowable over the teachings of Hori.

Claims 37-43 are all dependent on the independent Claim 36. As described above, the independent Claim 36 is allowable over the teachings of Hori. Accordingly, Claims 37-43 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, the applicant respectfully submits that the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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